

III REMARKS

The claims have been amended to overcome Examiner's objections.

Summary of Applicant's Invention

Applicant claims a method of processing multiple electronic transactions at a hub server. Three databases are stored at the hub, a vendor product information database, a buyer profile database, and an affiliate web site database. The product information is referenced by a number of affiliate web sites that display products of many vendors for a commission. Buyer credit card or payment method and shipping information of one or more buyers, including a particular buyer, are stored in the buyer profile database during the first purchase from an affiliate web site. When a purchase request of the particular buyer is received at the hub server from one of the affiliate web sites, the previously-stored buyer credit and shipping information of the particular buyer is combined with product selection received from the affiliate site resulting in combined purchase order information. The combined purchase order information is recorded and forwarded from the hub server to the vendor's web site. The hub server bills the buyer's credit card, credits the affiliate site with its commission and credits the vendor with the sale. The vendor site ships the product.

The hub server dynamically creates HTML code and/or JavaScript needed to submit a purchase request if the user clicks on an icon/button. This HTML and JavaScript is dynamically inserted into the page with an <IFRAME>, JavaScript, or similar tag.

The invention has the advantage that it enables a sale to be completed without the buyer leaving the affiliate's site to go to the vendor's web site because the transaction details are processed by the hub server.

The invention has the advantage that a buyer need enter credit card and ship to data only once and can visit any Site in the affiliate network later without having to reenter the data, even though new products from new vendors may be subsequently featured on any site.

Summary of Prior Art

On the Internet, electronic transactions are processed at a vendor's server. A single vendor web site displays products of this one vendor. Buyer credit card or payment method and shipping information of one or more buyers, including a particular buyer, is stored at the vendor's server during the first purchase from the vendor's web site. When a purchase request of the particular buyer is received at the vendor server from the vendor's web site, the stored buyer credit and shipping information of the particular buyer is combined with product selection received from the vendor site resulting in combined purchase order information. The combined purchase order information is recorded at the vendor's server. The vendor's server bills the buyer's credit card. The vendor site ships the product.

Summary of Arguments for Patentability

In Bezos, associates market a vendor's products, which are then sold from the vendor's website. In Hartman products are sold from a vendor's website in a single action by selection of an order button. In Wiecha products are ordered from an electronic catalog displayed on a personal computer linked to suppliers. In Chen java script is used to encode a purchase order.

Viewing the four references together reveals that there is no provision for handling sales for multiple vendors that advertise products on multiple affiliate web sites as accomplished by applicant's invention. In the prior art, if a buyer wishes to purchase a product advertised on a web site other than the original vendor's site, the buyer is transferred by a link to the new vendor's site. All customer information must be re-entered into that new vendor's server. Applicant's invention solves this by providing a hub server that forwards the customer information to the vendors in response to a purchase request from an associate.

To summarize, applicant's invention is concerned with a system of electronic commerce in which a central hub server stands between a number of affiliate web sites and a number of vendor web sites to execute sales of vendor products featured on said affiliate web sites.

Detailed Arguments for Patentability

In Bezos (Figure 5) a single vendor (merchant) operates a merchant website 106, which is an Internet-based referral system. This system enables associates 100 to market products, in return for a commission, which are sold from the single merchant's Web site 106.

One or more associates set up Web sites to distribute information on the Internet about selected products of the merchant. In association with each such product, a "referral link" allows a customer 108 to link to the merchant's site 106 and purchase the product.

When a customer selects a referral link, the customer's computer transmits unique IDs of the selected product and of the associate to the merchant's site, allowing the merchant to identify the product and the referring associate.

If the customer subsequently purchases the product from the merchant's site, a commission is automatically credited to the referring associate and product is sold and shipped from the merchant's web site 106.

In applicant's invention, multiple vendors (merchants) operate multiple websites. A hub server 100 is provided at which a vendor product information database of product information is maintained. The product information is accessible by a number of affiliate web sites 108. An affiliate web site database is maintained at the hub server.

A buyer profile database of buyer information (such as credit card) of one or more buyers, including a particular buyer, is also maintained at the hub server 100.

Upon a condition that a purchase request of the particular buyer 114 is received, stored buyer information of the particular buyer is combined with product selection from one of the affiliate sites 108, resulting in combined purchase order information being sent to the hub server. The hub

server the forwards the combined purchase order information from the hub server to a vendor
102.

In Hartman products are sold from a vendor's website in a single action by selection of an order button.

In Wiecha products are ordered from an electronic catalog displayed on a personal computer linked to suppliers.

In Chen java script is used to encode a purchase order.

None of the references disclose or suggest applicant's claimed invention because none disclose or suggest necessary elements of the claimed combination. None of the references disclose or suggest a hub server, which combines stored buyer information with product selection from an affiliate and forwards the combined purchase order information from said hub server to a vendor.

The distinguishing language in the claims is as follows:

Claims 1 and 18:

Combining stored buyer information of said particular buyer with product selection from one of said affiliate sites upon a condition that a purchase request of said particular buyer is received, resulting in combined purchase order information being sent to the hub server; and,

Forwarding said combined purchase order information from said hub server to a vendor.

Claim 7

Combining stored buyer billing and shipping information of said particular buyer with product selection received from one of said affiliate sites upon a condition that a purchase request of said particular buyer is received, resulting in combined purchase order information;

Recording said combined purchase order information at said hub server; and,

Forwarding said combined purchase order information from said hub server to a vendor.

Claims 19-21:

- C. Receiving at said hub server, a cookie, said cookie identifying a prospective buyer, said affiliate site, said product and optionally said vendor site;
- D. Dynamically creating a <FORM> including all information necessary to effect a purchase transaction;

- F. Forwarding a purchase request for said product to be shipped to said buyer to a vendor upon a condition that said <FORM> is submitted to said hub server.

Claims 23-30:

In system of electronic commerce in which a central hub server stands between a number of affiliate web sites and a number of vendor web sites to execute sales of vendor products featured on said affiliate web sites

causing identifiers of a buyer, an affiliate web site, a product, and a vendor site, to be sent to said hub server in response to a buyer that browses an affiliate web site clicking on a displayed vendor product ;

submitting to said vendor all information necessary to make a purchase

The dependent claims are subject to the same limitations and arguments as presented in respect of the independent claims.

The Examiner has applied the references to separate elements of the combination rather than to the combination viewed as a whole. 35 USC 103 requires that "the subject matter as a whole" be considered in determining what would have been obvious.

Claim Rejections-35 USC 103 (Bezos et al. in view of Wiecha)

Examiner has rejected claims 1-4, 7-10, and 18 under 35 U.S.C. 102(e) as being unpatentable over Bezos et al. in view of Wiecha. Claims 1, 7, and 18 are independent claims.

Bezos does not provide a mechanism or method wherein multiple vendors can display their wares on affiliate web site(s) and receive orders for items and a ship to address (via the hub server) without dealing with sensitive credit card information. In applicant's invention, one instance only of sensitive credit card information is maintained at one hub server, not multiple vendor servers. In Bezos, multiple vendor servers, maintained by multiple vendors receive multiple instances of sensitive credit card information. Through the use of affiliate web sites upon which multiple vendors display their wares, applicant's invention eliminates multiple entry of credit card information by providing a central hub server source of credit card information, bills the buyer for a purchase, credits the affiliate with a commission for the sale and credits the vendor for the sale.

Claim Rejections - 35 USC § 103 (Bezos et al. in view of Wiecha and Chen)

Examiner has rejected claims 5, 6, 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Bezos in view of Wiecha and Chen.

Claims 5, 6, 11 and 12 are dependent claims.

Summary

None of the references disclose or suggest applicant's claimed invention because none disclose or suggest necessary elements of the claimed combination. None of the references disclose or suggest combining stored buyer information with product selection from an affiliate at a central hub server and forwarding the combined purchase order information from said hub server to a vendor.

The Examiner has applied the references to separate elements of the combination rather

than to the combination viewed as a whole. 35 USC 103 requires that "the subject matter as a whole" be considered in determining what would have been obvious.

None of the references suggest combining the references in the manner that the Examiner has. The Examiner cites Bezos as a primary reference to teach all of the limitations except: Bezos does not teach "Forwarding said combined purchase order information from said hub server to a vendor", for which Examiner cites Wecha.

The Examiner has failed to set forth a prima facie case of obviousness for rejections combining references under 35 USC 103 (obviousness). The MPEP at 706.02 (j) sets forth a process by which a rejection under 35 USC 103 is to be sustained wherein, as in the present case, a single reference (Bezoa) is modified by combining it with one or more references (Wiecha or Hartman or Chen):

The MPEP states that to establish a prima facie case of obviousness three basic criteria must be met:

- (1) There must be some suggestion or motivation to modify the reference or to combine reference teachings.
- (2) There must be some reasonable expectation of success.
- (3) The references when combined must teach or suggest all the claim limitations.

In these remarks, the three criteria are set forth in order to show why the references cannot be properly combined:

- (1) There must be some suggestion or motivation to modify the reference or to combine reference teachings.

The claims were rejected as being unpatentable over Bezos in view of Weicha and Hartman and Chen. Bezos is the primary reference relied upon, and is the "reference" referred to in Step 1. Bezos is the reference to be modified.

The Examiner proposes that it would be obvious to modify the applied reference (Bezos) to use the elements of Weicha and Hartman and Chen to provide the claimed electronic commerce method. The Examiner has pointed out that the modification that he proposes would be obvious because a person would be “motivated to do so in order to have the server facilitate the transaction on behalf of the client”. But multiple vendors could not participate in a system of Bezos modified as Examiner proposes. Applicant respectfully submits that the primary reference (Bezos) fails to disclose a “hub server”. The server in Bezos is a single vendor’s server.

Applicant's invention is a combination and the crucial suggestion or motivation step in determining obviousness must be considered. The Examiner has failed to do this. Neither Bezos nor Hartman nor Weicha nor Chen contains anything to suggest the desirability of applicant's claimed combination or any motivation to modify the method of Bezos to effectuate a multiple-vendor e-commerce transaction utilizing a central hub server. In order to satisfy this requirement, the Examiner must show that at least one of the references suggests that it is possible or desirable to modify the applied reference to effectuate a multiple-vendor e-commerce transaction utilizing a central hub server.

(2) There must be some reasonable expectation of success.

There is no reasonable expectation of success in combining the references in the manner that the Examiner suggests because there is no provision for multiple affiliates and multiple vendors.

(3) The references when combined must teach or suggest all the claim limitations.

The references do not teach a multiple-vendor e-commerce transaction utilizing a central hub server.

Should the Examiner have further objections to the claims a telephonic interview with applicant's attorney at (928) 776-8037 is respectfully requested.

In view of the above arguments for patentability, reexamination of claims 1-12, 18-19, and 21-30 pending in this application and allowance thereof is respectfully requested.

Respectfully submitted,



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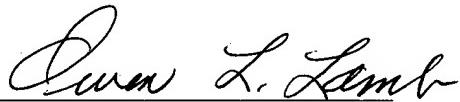
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